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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/717,495	11/21/2003	Giuseppe Morini	22106-00047-US	7611
30678	7590	04/13/2004	EXAMINER	
CONNOLLY BOVE LODGE & HUTZ LLP SUITE 800 1990 M STREET NW WASHINGTON, DC 20036-3425			PATEL, DHIRUBHAI R	
			ART UNIT	PAPER NUMBER
			2831	

DATE MAILED: 04/13/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/717,495

Applicant(s)

MORINI ET AL.

Examiner

DHIRU R PATEL

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aw

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 November 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-16 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- 1) ☐ Certified copies of the priority documents have been received.
 - 2) ☐ Certified copies of the priority documents have been received in Application No. _____.
 - 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☒ Other: SKETCH A

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Claim Objections

1. Claims 1-16 are objected to because of the following informalities:

In claim 1 line 7, " said supporting modules" should be -- said structural modules--.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 5-7, 12 are rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 5 line 3, "and/ or" renders this claim indefinite.

In claim 6 line 3, "and/ or" renders this claim indefinite.

In claim 7 line 2, "and/ or" renders this claim indefinite.

In claim 12 lines 2-3, " said side wall ... central wall" is confusing because said structural modules being made from a single piece and it is not clear that how side walls are able to move with respect to central wall?.

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Specification

3. The disclosure is objected to because of the following informalities: the reference characters must be properly applied, no single reference character being used for two different parts or for a given part and a modification of such part. Such as in the specification on page 7 line 13, " at least one recessed seat 10 " while on page 10 line15, "the grooves 10". Applicant is responsible for providing separate reference number for each part disclosed in the specification. See MPEP § 608.01 (g) .

Applicant is responsible for reviewing the entire specification for each reference number and revise as required.

Appropriate correction is required.

4. The abstract of the disclosure is objected to because of legal phraseology ("comprises" at lines 1, 3 and 7 and means at line 9) Correction is required. See MPEP § 608.01(b).

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Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 1 -4, 9, 11-15 are rejected under 35 U.S.C. § 102(b) as being anticipated by Peled (4,765,576).

Considering claim objection and as best understood, Peled discloses:

Regarding claim 1, a duct (see fig 1) for electrical cables comprising a plurality of filiform metal elements 1 (see fig 1) arranged substantially parallel to one another according to the longitudinal development of the duct (see fig 1, column 2 lines 58-65), wherein said duct comprises, for at least a portion of its length, a plurality of structural modules 2 (see fig 1), which are arranged in a transverse direction with respect to said filiform elements and are spaced apart from one another in succession according to the longitudinal development of the duct (see fig 1, column 2 lines 60-65) said structural modules having a basically U-shaped body that comprises a central wall from which there project (see fig 1), on opposite sides with respect to one another (see fig 1), two side walls set substantially parallel to one another (see fig 1), coupling means 3 (see column 1 lines 60-

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65) designed to enable connection with said filiform elements being arranged on said shaped body (see fig 1, column 1 lines 60-65, column 2 lines 58-68).

Regarding claims 2 and 14, the assembly of Peled disclose all the features of the claimed invention as shown above, including said coupling means comprise a first series of, through holes 3 made in said shaped body (see fig 1), said through holes having their axes directed basically according to the longitudinal development of the duct and being designed to house portions of corresponding filiform elements (for claim 2, see fig 1, column 2 lines 58-68), and two through holes belonging to two corresponding consecutive structural modules (for claim 14, see fig 1), and said filiform metal elements comprise lengths of metal wire having their respective free ends (for claim 14, see fig 1) .

Regarding claim 3, the assembly of Peled disclose all of the claimed features as shown above, including said shaped body there is provided a second series of assembly holes operatively associated to said first series of through holes, said second series of assembly holes having their axes perpendicular to the axes of the first series of through holes and being each set in communication with a corresponding hole of the first series (see sketch A).

Regarding claim 4, the assembly of Peled disclose all the features of the claimed invention as shown above, including said shaped body there are made coupling means with further components that can be associated to the duct (see figs 6a-6d, column 2 lines 38-39). It is noted that the assembly of Peled meet the structural limitations.

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Regarding claim 9, the assembly of Peled disclose all the features of the claimed invention as shown above, including the portions of free ends of said side walls are configured so as to define a shaped head for coupling with a closing element of the duct (see fig 1).

Regarding claims 11-12, the assembly of Peled disclose all the features of the claimed invention as shown above, including said structural modules are made of a single basically rigid piece of plastic material (see column 1 lines 45-55). With respect to said side walls that are able to move with respect to the central wall (for claim 12), considering 112 second paragraph, it is noted that the assembly of Peled meet the structural limitations.

Regarding claim 13, said structural modules are made of sheared and bent metal piece (see column 1 lines 10-15).

Regarding claim 15, said duct is made of a single coextruded piece or by molding said supporting modules directly on said filiform metal elements (see fig 1).

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Allowable Subject Matter

6. Claims 6-8, would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

7. Claims 5, 10 and 16 objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The following is a statement of reasons for the indication of allowable subject matter:

The primary reasons for the indication of the allowability of claims 5-8, 10 and 16 are the inclusion therein, in combination as currently claimed, of the limitation of the duct comprise a recessed seat made along the central band of the internal surface of said central wall (for claim 5), the duct comprise shaped protuberances defined on the outer surfaces of said central wall (for claims 6-8), the shaped body has rounded internal edges (for claim 10), and said coupling means comprises a plurality of hooking means arranged on said shaped body (for claim 16).

The previously listed limitation is neither disclosed nor taught by the prior art of record, alone or in combination.

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Contact information

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dhiru Patel whose telephone number is (571) 272--1983. The examiner can normally be reached on Mondays- Thursdays from 6:30 am to 4:00 pm. The fax number for this Group is 703-872-9306. Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (571) 272-2800 ext 31.

Dhiru Patel

Primary Examiner

Group Art Unit 2831

April 3, 2004

Dhiru Patel
Primary Examiner
413104.